

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO 04-0046

v. : DATE FILED: _____

**CASIMIR STRZALKA : VIOLATIONS: 21 U.S.C. § 841(a)(1)
(Possession with intent
to distribute oxycodone,
hydrocodone,
alprazolam and
diazepam - 3 counts)
21 U.S.C. § 860
(Possession with intent
to distribute within a
thousand feet of a school
property - 3 counts)
18 U.S.C. § 924(c)
(Possession of a firearm
in furtherance of a drug
trafficking crime - 1
count)
21 U.S.C. § 856(a)
(Establishment of drug
manufacturing
operations - 1 count)
18 U.S.C. § 924(d),
28 U.S.C. § 2461(c)
(Notice of forfeiture)**

SUPERSEDING INDICTMENT

COUNT ONE

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

knowingly and intentionally possessed with intent to distribute approximately 316.088 grams of a
mixture or substance containing a detectable amount of Oxycodone (Percocet), a Schedule II

controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

possessed with the intent to distribute approximately 316.088 grams of a mixture or substance containing a detectable amount of Oxycodone (Percocet), a Schedule II controlled substance, within 1,000 feet of the real property comprising Mother of Divine Grace School, 2612 E. Monmouth Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

knowingly and intentionally possessed with intent to distribute approximately 20 pills of a
mixture or substance containing a detectable amount of Hydrocodone (Vicodin), a Schedule III
controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

possessed with the intent to distribute approximately 20 pills of a mixture or substance
containing a detectable amount of Hydrocodone (Vicodin), a Schedule III controlled substance,
within 1,000 feet of the real property comprising Mother of Divine Grace School, 2612 E.
Monmouth Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code,
Sections 841(a)(1) and 841(b)(1)(D).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

knowingly and intentionally possessed with intent to distribute approximately 494 pills and 3 fragments of a mixture or substance containing a detectable amount of Alprazolam (Xanax), and approximately 109 pills of a mixture or substance containing a detectable amount of Diazepam (Valium), both Schedule IV controlled substances.

_____In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2).

COUNT SIX

THE GRAND JURY FURTHER CHARGES:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

possessed with the intent to distribute approximately 494 tablets and 3 fragments of a mixture or substance containing a detectable amount of Alprazolam (Xanax), and approximately 109 pills of a mixture or substance containing a detectable amount of Diazepam (Valium), both Schedule IV controlled substances, within 1,000 feet of the real property comprising Mother of Divine Grace School, 2612 E. Monmouth Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(2).

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

knowingly possessed a firearm, that is, a North American Arms .22 caliber handgun and an O.F. Mossberg & Sons/Maverick Pump Action Shotgun, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 1, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

CASIMIR STRZALKA

knowingly opened and maintained the building located at 2927 E. Thompson Street,
Philadelphia, Pennsylvania, for the purpose of unlawfully distributing a controlled substance, that
is Oxycodone (Percocet), a Schedule II controlled substance, Hydrocodone (Vicodin), a Schedule
III controlled substance, and Alprazolam (Xanax), and Diazepam (Valium), both Schedule IV
controlled substances.

In violation of Title 21, United States Code, Section 856(a).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 860, set forth in this indictment, the defendant

CASMIR STRZALKA

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this indictment, including, but not limited to:

- i. the real property located at 2927 E. Thompson Street, Philadelphia, Pennsylvania, 19134, and any improvements thereon;
- ii. one North American Arms .22 caliber handgun, serial number V61376;
- iii. one O.F. Mossberg & Sons/Maverick pump action shotgun, serial number K828091;
- iv. Four thousand six hundred and sixty nine dollars (\$4669.00) in United States currency.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or

5. has been commingled with other property which cannot be divided
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to
seek forfeiture of any other property of the defendant up to the value of the property subject to
forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney